

Appl. No. : 09/557,234
Filed : April 24, 2000

REMARKS

In response to the Office Action mailed September 24, 2002, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

All Claims Currently Are In Condition For Allowance

The Examiner rejected all of the pending claims under 35 U.S.C. §§ 102(b) and 103(a) as unpatentable over one or more of the Kimbrew-Walter Roses "Jet-All" sprayer and U.S. Patent No. 5,573,187 to Proctor, taken alone or in various combinations. Claims 19 and 36 have been amended in accordance with the Examiner's comments on page 6 of the Office Action. Applicant respectfully contends that the pending claims define over the cited references. Specifically, Applicant contends that all of the limitations of the pending claims are not taught by the Jet-All and/or Proctor references.

The Jet-All and Proctor references are discussed in detail in previous communications filed by Applicant. Applicant contends that the cited references, taken alone or in combination, do not explicitly or inherently teach all of the limitations of the pending claims. For example, with regard to rotation, rotating the Jet-All device significantly would direct the spray in the wrong direction, thus totally defeating the purpose of the specially designed device. As such, Jet-All teaches against significantly rotating the device. The Proctor reference only teaches moving the sprayer "up and down in the holding tank" in order to spray fluid "in all directions". Neither Jet-All nor Proctor even hint at the desirability of rotating their respective devices. As such, even if combined, which Applicant still believes is improper, these references still would not suggest such rotation.

Applicant contends that the Jet-All and Proctor references, taken alone or in combination, do not inherently disclose the method steps of the pending claims, and that only Applicant's specification and claims teach the claimed method. Accordingly, Applicant respectfully requests the Examiner to withdraw her rejection of the claims.

New Claims

New Claims 39 and 40 have been added to more thoroughly claim subject matter that Applicant believes to be the invention. These claims depend from independent Claim 19 and recite additional patentable subject matter. These claims are currently in condition for allowance.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections and objections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

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Dated: 3/24/03

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